

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: LONGVIEW POWER LLC

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|--------------------------------|---|----------------------------------|
| FIRST AMERICAN TITLE INSURANCE | : | |
| COMPANY, | : | |
| | : | |
| Appellant, | : | |
| | : | |
| v. | : | C. A. No. 14-987 |
| | : | |
| LONGVIEW POWER LLC, | : | Bankruptcy Case No. 13-12211-BLS |
| | : | AP No. 14-29 |
| Appellee. | : | |

RECOMMENDATION

At Wilmington this **21st** day of **August, 2014**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, since the parties have been and are presently involved in mediation, requiring a new mediation in this court with a different mediator would not be productive nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since the parties jointly requested this matter be removed from mandatory mediation, objections will not be

filed to this Recommendation under 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

IT IS FURTHER RECOMMENDED at the request of the parties that the following briefing schedule be entered: appellant's opening brief due three weeks after an order approving a briefing schedule is entered; appellees' responsive brief due three weeks after the opening brief is filed and appellant's reply brief due within seven days after the responsive brief is filed.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
UNITED STATES MAGISTRATE JUDGE